

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**  
No. 1:23-md-3076-KMM

*In re*

*FTX Cryptocurrency Exchange Collapse  
Litigation*

This Document Relates to the Administrative  
Class Action Complaint and Demand for Jury  
Trial as to the Bank Defendants (ECF No. 155)

**DEFENDANTS DELTEC BANK AND TRUST COMPANY LIMITED, JEAN  
CHALOPIN, AND FARMINGTON STATE BANK’S UNOPPOSED MOTION FOR  
LEAVE TO FILE TWO INDEPENDENT MOTIONS TO DISMISS**

Defendants Deltec Bank and Trust Company Limited (“Deltec”), Jean Chalopin, and Farmington State Bank (“Farmington”) (collectively, the “Bank Defendants”), respectfully file this agreed joint motion for leave to file two independent motions to dismiss and accompanying memoranda of law—one on behalf of Deltec and Mr. Chalopin jointly, and one of behalf of Farmington individually—that would streamline issues for the Court’s consideration and generate efficiencies by cumulatively encompassing fewer pages than currently granted to the Bank Defendants for motion to dismiss briefing under the Court’s August 25, 2023 order (ECF No. 216) (the “August 25 Order”).

Pursuant to the Court’s August 25 Order, the Bank Defendants are permitted to file jointly one 12(b)(6) motion and memorandum of law of up to 40 pages, one 12(b)(2) motion and memorandum of law of up to 15 pages, and up to 3 pages each on unique issues. Collectively, the Bank Defendants are permitted to file motion to dismiss briefing totaling at least 55 pages, with the possibility of 9 additional pages of briefing on unique issues.

As applied to the Bank Defendants, the Court's August 25 Order creates potential inefficiencies for the parties and for the Court. Deltec and Farmington are two unrelated parties that anticipate advancing different arguments in their forthcoming motions. Briefing together would result in disparate arguments being combined in ways that are less analytically clear, would result in related issues being split into different briefs, and likely will result in additional length for each brief. By contrast, by submitting two separate motions to dismiss—one on behalf of Deltec and Mr. Chalopin jointly, and another on behalf of Farmington individually—the parties will be able to streamline their arguments for the Court's consideration.

To that end, the Bank Defendants have conferred with counsel for Plaintiffs, who agree to the proposal set forth in the attached Proposed Order. This proposal contemplates opening memoranda of law totaling no more than 50 pages (25 pages for Deltec and Mr. Chalopin and 25 pages for Farmington), as contrasted with the up to 64 pages that would be authorized to the Bank Defendants together under the August 25 Order.

WHEREFORE, the Bank Defendants respectfully request that the Court authorize the briefing schedule and procedures as set forth in the Proposed Order attached hereto as Exhibit 1.

Dated: September 8, 2023

Respectfully submitted,

*/s/ Marisa R. Dorough*

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Ty Kelly Cronin  
Maryland CPF No. 0212180158  
(*Certificate of Understanding filed*)  
tykelly@bakerdonelson.com  
Frank C. Bonaventure, Jr.  
Maryland CPF No. 8011010040  
(*Certificate of Understanding filed*)  
fbonaventure@bakerdonelson.com  
**Baker, Donelson, Bearman, Caldwell &  
Berkowitz, P.C.**  
100 Light Street, 19th Floor  
Baltimore, Maryland 21202  
Phone: (410) 862-1049

-and-

Marisa Rosen Dorough, Esq.  
Florida Bar No. 73152  
**Baker, Donelson, Bearman, Caldwell &  
Berkowitz, P.C.**  
200 South Orange Avenue, Suite 2900  
Orlando, Florida 32801  
Phone: (407) 422-6600  
mdorough@bakerdonelson.com

*Attorneys for Defendant Farmington State  
Bank d/b/a Moonstone Bank*

*/s/ Lara Samet Buchwald*

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Lara Samet Buchwald  
NY Bar No. 4700944  
(*Certificate of Understanding filed*)  
lara.buchwald@davispolk.com  
Tatiana Martins  
NY Bar No. 4300455  
(*Certificate of Understanding filed*)  
tatiana.martins@davispolk.com  
**Davis Polk & Wardwell LLP**  
450 Lexington Avenue  
New York, New York 10017  
Tel: 212-450-4000  
Fax: 212-701-5351

-and-

Mallory M. Cooney  
Florida Bar No. 125659  
mallory.cooney@klgates.com  
Desirée Moore  
Illinois Bar No. 6286198  
(*Certificate of Understanding filed*)  
desiree.moore@klgates.com  
**K&L Gates LLP**  
200 S. Biscayne Blvd.  
Miami, FL 33131  
Tel: 305-539-3300  
Fax: 305-358-7095

*Attorneys for Defendants Deltec Bank and  
Trust Company Limited and Jean Chalopin*